

REISSUE APPLICATION DECLARATION BY THE INVENTORS

Docket No: S-9

I hereby declare that:

The residence, mailing address and citizenship of the inventors are stated below.

I believe the inventors named below to be the original and first inventors of the subject matter which is described and claimed in patent number 6,602,248, granted August 5, 2003 and for which a reissue patent is sought on the invention entitled Methods For Repairing Damaged Intervertebral Discs the specification of which

☒ is attached hereto.

☐ was filed on _____ as reissue application number _____ and was amended on _____

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

☐ I hereby claim foreign priority benefits under 35 USC 119(a)-(d) or (f), or 365(b). Attached is form PTO/SB/02B (or equivalent) listing the foreign applications.

I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)

☐ By reason of a defective specification or drawing.

☒ By reason of the patentee claiming more or less than he had the right to claim in the patent.

☐ By reason of other errors

At least one error upon which reissue is based is described below. If the reissue is a broadening reissue, such must be stated with an explanation as to the nature of the broadening:

Applicants claimed less than they had the right to claim. In particular, the claim limitation in claim 1 ("the volume ... is decreased") is not necessary in order for claim 1 to be patentable. It is an additional claim limitation that reduces the scope of claim 1. Accordingly, Applicants claimed less than they had the right to claim and seek to correct this error by removing the claim limitation.

All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant.

Correspondence Address: Direct all communications about the application to: Customer Number 021394

REISSUE APPLICATION DECLARATION BY THE INVENTOR, page 2

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Inventor 1:

Name: Lewis Sharps

Citizenship: US

Mailing Address: 911 Lafayette Road, Bryn Mawr, PA 19010

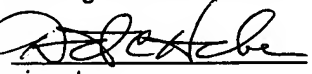
 9/26/03
signature date

Inventor 2:

Name: David C. Hovda

Citizenship: US

Mailing Address: 1900 Miramonte Avenue, Mountain View, CA 94040

 10/2/03
signature date

Inventor 3:

Name: Jean Woloszko

Citizenship: FR

Mailing Address: 1694 Columbia Drive, Mountain View, CA 94040

 10/7/03
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Inventor 4:

Name: Hira V. Thapliyal

Citizenship: US

Mailing Address: 1192 Volti Lane, Los Altos, CA 94024

signature date

Inventor 5:

Name: Philip E. Eggers

Citizenship: US

Mailing Address: 4140 Tuller Road, Suite 104, Dublin, OH 43017

signature date

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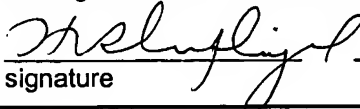
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Name: Hira V. Thapliyal

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 9/19/03
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Philip E. Eggers *September 24, 2003*